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February 28, 2023

**MEMORANDUM ENDORSED**

Hon. Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York

**Re: Ramon Oliveras v. Long Island Railroad Company**  
**22 Civ. 4600(LGS)(GWG)**

Honorable Sir:

This office represents the defendant in the above referenced Federal Employers' Liability Act case, which is on for a settlement conference this Friday, March 3, 2023.

Defendant respectfully requests an adjournment of the upcoming settlement conference. Initially, I had received some incorrect information with regard to the Senior Claims Agent from the Law Department, Alvin Nesbot. Specifically, it had been my understanding that Mr. Nesbot had been hospitalized. I relayed this information to Plaintiff's counsel, Sean Constable. After speaking to Mr. Constable regarding his conversation with a colleague, which was referenced in Mr. Constable's correspondence earlier today, I made a further inquiry as to Mr. Nesbot's condition. I have since learned, and conveyed to counsel, that it is not Mr. Nesbot who is ill but, instead, it is his spouse. To this end, it appears as though Mr. Nesbot has an appointment at the hospital with his spouse on Friday, March 3, 2023 and would not be able to attend the settlement conference.

Furthermore, in speaking with Mr. Nesbot it does not appear as though any fruitful negotiations could take place this Friday and as a result we are seeking an adjournment of the settlement conference. Plaintiff's counsel does not oppose this application.

Lastly, Mr. Blumenschein, the handling attorney in this matter, is presently on vacation. While I know that he has several upcoming trials I do not feel comfortable agreeing to a date without

his input. As a result, if the Court grants this adjournment we would ask that the court permits the parties and the court to agree on a new at a later date.

I apologize for any miscommunication on my part and, again, respectfully request and adjournment of the conference.

I thank you for your consideration of this application and am available to discuss same at Your Honor's convenience.

Regards,

**KREZ & FLORES, LLP**



**MARK TAUSTINE**

The request to adjourn the settlement conference sine die is granted. If and when both sides become ready to participate in a settlement conference, they shall contact the Deputy Clerk for a mutually available date, and shall then make a letter application to hold the settlement conference on that date. This adjournment shall have no effect on the scheduling of the trial or any other deadlines in this matter. Thus, the parties shall ensure that they comply with the deadlines in Docket # 23.

So Ordered.



**GABRIEL W. CORENSTEIN**  
United States Magistrate Judge

February 28, 2023